

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

JUN 27 2008

William B. Guthrie
Clerk, U.S. District Court

Deputy Clerk

TWYLA TANNER,

Petitioner,

v.

MIKE MULLIN, Warden,

Respondent.

No. CIV 06-232-RAW-KEW

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner has filed a motion requesting the court to appoint counsel to assist with her objections to the Magistrate Judge's Report and Recommendation. She bears the burden of convincing the court that her claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of petitioner's claim, the nature of factual issues raised in her allegations, and her ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner's ability to present her claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. See *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); See also *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, petitioner's motion [Docket #26] is DENIED.

IT IS SO ORDERED this 27th day of June 2008.



RONALD A. WHITE

UNITED STATES DISTRICT JUDGE